

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

CARMEN GLORIA JIMENEZ NAZARIO, et als.,
Plaintiffs

v.

CIVIL NO. 04-1673(DRD)

T.G. PUERTO RICO, INC. D/B/A CLUB CALA
AT PALMAS DEL MAR, INC., et als.,
Defendants

ORDER

Pending before the Court is co-defendant Palmas del Mar Properties, Inc.'s *Amended Motion Requesting Dismissal Order*. (Docket No. 34). Through said motion, Palmas del Mar Properties, Inc. requests the Court to issue an order dismissing with prejudice all claims against it pursuant to that which was agreed on at the Initial Scheduling Conference of April 4, 2005. Subsequently, the Court issued an *Order* wherein it ordered plaintiffs to show cause why the Court should not dismiss their claims against herein moving party on or before October 26, 2005. (Docket No. 35). Plaintiffs have yet to do so.

Accordingly, the Court now **GRANTS** Palmas del Mar Properties, Inc.'s request for dismissal and **DISMISSES WITH PREJUDICE** all of plaintiffs claims against it.

The Court will refrain from issuing a partial judgment at this time. The First Circuit strongly disfavors partial judgments as they foster piecemeal appeals. See Nichols v. Cadle Co., 101 F.3d 1448, 1449 (1st Cir. 1996) ("piecemeal appellate review invites mischief. Because the practice poses a host of potential problems we have warned, time and again, that Rule 54(b) should be used sparingly."); Zayas-Green v. Casaine, 906 F.2d 18, 21 (1st Cir. 1990) ("This final judgment rule . . . furthers 'the strong congressional policy against piecemeal review.'" Id. (quoting In re Continental Investment Corp., 637 F.2d 1, 3 (1st Cir. 1980))); Comite Pro Rescate De La Salud v. Puerto Rico Aqueduct and Sewer Authority, 888 F.2d 180, 183 (1st Cir. 1989); Consolidated Rail Corp v. Fore River Ry. Co., 861 F.2d 322, 325 (1st Cir. 1988); Spiegel v. Trustees of Tufts Coll., 843 F.2d 38, 43 (1st Cir. 1988); Santa Maria v. Owens-Ill., Inc., 808 F.2d 848, 854 (1st Cir. 1986)); see also United States v. Nixon, 418 U.S. 683, 690 (1974).

IT IS SO ORDERED.

In San Juan, Puerto Rico, this 7th day of December of 2005.

s/Daniel R. Dominguez
DANIEL R. DOMINGUEZ
U.S. DISTRICT JUDGE